

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Reallocation of 30 MHz of 700 MHz ) RM No. 11348  
Spectrum (747-762/777-792 MHz) )  
From Commercial Use )  
)  
Assignment of 30 MHz of 700 MHz )  
Spectrum (747-762/777-792 MHz) )  
to the Public Safety Broadband Trust for )  
Deployment of a Shared )  
Public Safety/Commercial )  
Next Generation Wireless Network )

To: The Commission

**COMMENTS OF THE STATE OF CALIFORNIA**

**INTRODUCTION**

The State of California as represented by its Department of General Services, Telecommunications Division (hereinafter "State") hereby submits the following comments in response to the Commission's RM No. 11348, released October 30, 2006 and dismissed without prejudice November 3, 2006.

The State operates an extensive array of land mobile radio communications systems for use by various California public safety agencies, including the California Highway Patrol, the Department of Forestry and Fire Protection, the Department of Transportation, the Department of Parks

and Recreation, the Department of Fish and Game, the Department of Correction and Rehabilitation, the Department of Water Resources, the Department of Justice, the Emergency Medical Services Authority, and the Governor's Office of Emergency Services. The State is statutorily responsible for accommodating the wireless radio communications needs of California's state public safety agencies, and of extending those services to non-state government agencies operating within California upon request.

The State routinely assesses the functional and operational needs of its public safety agencies for radio voice and data communications. Additionally, the State is an active participant in various committees<sup>1</sup> and work groups discussing the radio voice and data communications needs of tribal, county, and local public safety agencies. As such, the State is cognizant of the escalating need for broadband data operability and interoperability by California's public safety practitioners statewide. The State is also poignantly aware of the daunting implications of accommodating these broadband needs, especially when considering that many of our essential wireless voice systems are in need of upgrades. The Cyren Call Communications Corporation (hereinafter "Cyren Call") Petition For Rulemaking in the Matter of Reallocation of 30 MHz of 700 MHz Spectrum

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<sup>1</sup> Among them are the California Statewide Interoperable Executive Committee or CALSIEC (see [www.calsiec.org](http://www.calsiec.org)) and the Public Safety Radio Strategic Planning Committee or PSRSPC (see <http://psrspc.ca.gov>). Both committees are working collaboratively towards improving communications systems' operability and interoperability for public safety agencies statewide.

(747-762/777-792 MHz) From Commercial Use filed April 27, 2006, is timely, and the State was pleased to note after careful review that the Cyren Call proposal postulates a feasible solution.

## CALIFORNIA COMMENTS

The essence of the Cyren Call proposal is captured in its Executive Summary and Introduction. Recognizing this, State has elected to utilize these two sections as the basis for its comments, in effect tailoring these first two Cyren Call sections to express the State's observations relative to the importance and criticality of this undertaking.

### **Regarding the Cyren Call Executive Summary**

The State concurs with the exigencies and concepts presented in the Executive Summary<sup>2</sup> of the subject Cyren Call proposal. The State recognizes the significant advantages public safety practitioners would be afforded through a Congressional reallocation of this 30 MHz of commercial 700 MHz spectrum (747-762/777-792 MHz) to a Public Safety Broadband Trust for use on a new nationwide, shared broadband network and strongly urges Congress to do so. Specifically, *due to the longer-range propagation characteristics of spectrum below 1 GHz, this spectrum's use is critical for mobile applications, and in particular, for wide-area applications such as those that would be needed by State agencies.* The 30 MHz of spectrum discussed in the Cyren Call proposal is an asset that could satisfy this requirement. Subsequent to said reallocation, the State respectfully requests the Commission initiate a Notice of Proposed Rule Making to solicit specific refinements relative to this unique spectrum's administration and use. .

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<sup>2</sup> See Cyren Call Petition pp iv-vii.

## Regarding the Cyren Call Introduction

The State recognizes the viability of the concepts presented within the Cyren Call proposal Introduction<sup>3</sup>.

In its recent dismissal without prejudice of the Petition for Rulemaking [RM-11348] filed by Cyren Call Communications Corporation on April 27, 2006, the FCC noted, “We recognize the unique communications needs of public safety entities and the instrumental role that spectrum in the 700 MHz band can play in meeting those communications needs. To that end, we remain committed to ensuring effective and efficient communications between first responders.”<sup>4</sup> Indeed, the FCC has consistently demonstrated itself to be a dedicated ally of public safety and unquestionably is committed to addressing its communications needs. But as Cyren Call noted (and the State concurs with), neither the FCC alone, nor all the forces of government have been able to resolve the conundrum that defines public safety communications: Public safety has the most demanding technical, operational and geographic communications requirements, but lacks the volume of users and organizational structure needed to elicit innovative product development, attract application developers or drive down equipment costs. The gaps in functionality and in cost between consumer-based commercial systems and public safety systems are widening at an accelerating pace. The State agrees

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<sup>3</sup> See Cyren Call Petition pp 1-3

<sup>4</sup> See FCC DA 06-2278 regarding RM No. 11348 titled “Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use” at 3.

that the nationwide, shared broadband network solution should be innovative, transformational, but eminently practical, and should:

- **Allocate 30 MHz of 700 MHz Spectrum to its Highest Use:** The State concurs with the Cyren Call concepts proposed under this bullet in their proposal and would like to emphasize that it is unlikely such spectrum will become available again – at least in the foreseeable future.
- **Enable Nationwide, Cross-Jurisdictional, Cross-Community Interoperability:** The State concurs with the Cyren Call concepts proposed under this bullet in their proposal, and would like to add that the national public safety network should also serve tribal agencies.
- **Deliver Exceptional Functionality:** As Cyren Call asserts, the solution should harness the complementary strengths of the public and private sectors in deployment of an all IP broadband network with reliability, durability, redundancy and security features defined by public safety. The network must be built to meet the demanding functional needs of first responders, but also could enjoy the economic advantage of building on commercial technologies. The State recognizes that construction of a nationwide system that allows for interoperability will require decisions regarding technology and operation that are best handled by a single-minded entity. Unless

the FCC is willing to involve itself in those decision-making processes leading toward incorporation in the Rules, then an alternative mechanism must be established. While the State does not specifically endorse Cyren Call, it does recognize that a decision-making structure such as that which Cyren Call has proposed is a workable solution. The reality is, construction of this network will be extremely costly. A public/private partnership that leverages commercial-services, wherever possible, may represent the only reasonable method of building-out such a network. Certainly, public safety, in and of itself, cannot afford to construct such a network. While such a network may, for commercial reasons, focus on the more populated areas of the nation, there may arise an opportunity for state/local government to provide financial incentives to extend that network out into the more rural areas. While such funding might be "justified" based upon the operational needs of public safety entities, that extension into the rural areas may have a secondary benefit of providing broadband data services into areas for which there is not a "commercial economic model" that justifies providing commercial services. Thus, there could be a synergistic effect that benefits all parties.

- **Leverage an Innovative Licensing and Spectrum Management**

**Approach:** The State concurs with the Cyren Call concepts proposed under this bullet in their proposal.

- **Create Public/Private Partnership:** The State concurs with the Cyren

Call concepts proposed under this bullet in their proposal, and further notes that the "Public Safety Broadband Trust" needs to be representative of all disciplines and of all levels of government<sup>5</sup>.

There needs to be a mechanism for selecting members of the trust, who should serve for an "extended" period of time (perhaps 3-5 years on a rotational basis). The trust will be responsible for making some very weighty decisions. The members need to have appropriate backgrounds and need to have been involved for a long enough period of time that they "understand" the history and importance of the decisions that they are making. The members should be free of "political influence". Their participation needs to be funded (at least travel) with due consideration of the "difficulty" that travel introduces<sup>6</sup>.

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<sup>5</sup> In addition to police, fire, and EMS, the Public Safety Broadband Trust should also include highways/public works, parks, forestry/conservation, and other governmental activities

<sup>6</sup> For example, if all meetings are held in DC, then West Coast and Pacific Island members are "penalized" by lengthy travel requirements for every meeting. Travel requirements could add as much as two days to the duration of trip.

- **Foster Broadband Services in America’s Underserved Communities:**

As Cyren Call states, the solution should deliver a nationwide 700 MHz broadband network for public safety and general public use in underserved communities, particularly those in less populated areas, thereby ensuring that the untempered influence of normal market forces will not raise the wall between the technology “haves” and “have-nots” in this country even higher.

## **CONCLUSION**

The State recognizes that the subject 700 MHz Spectrum currently is to be auctioned for commercial purposes. However, it believes that the public interest demands that this designation be revisited. The State reiterates that public safety practitioners will benefit significantly through a Congressional reallocation of this 30 MHz of commercial 700 MHz spectrum (747-762/777-792 MHz) for the express purposes of implementing the subject nationwide, shared broadband network and strongly urges Congress to do so. Subsequent to said reallocation to public safety, the State respectfully requests the Commission to initiate a Notice of Proposed Rule Making to solicit specific refinements relative to this unique spectrum’s administration and use. The State recommends that the FCC provide for a single, nationwide network with the authorization issued to an entity similar to the Broadband Trust proposed by Cyren Call. That entity, in turn, will enter into a public/private partnership with commercial wireless providers who will be charged with the

responsibility for deploying the network for use by both public safety and commercial subscribers.

Respectfully submitted,

STATE OF CALIFORNIA

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